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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/893,399 | 06/29/2001 | Masatoshi Arishiro | 018976-199 | 6008 |
| 7590 | 05/12/2004 | | EXAMINER | |
| Platon N. Mandros BURNS, DOANE, SWECKER & MATHIS, L.L.P. P.O. Box 1404 Alexandria, VA 22313-1404 | | | HARAN, JOHN T | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1733 | |

DATE MAILED: 05/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/893,399

Applicant(s)

ARISHIRO ET AL.

Examiner

John T. Haran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 5-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 5-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/7/04 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 7-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification does not appear to provide support for the limitation that "the rack moves substantially entirely along a single axis". Requiring that the rack move entirely (only) along a single axis is new matter. Paragraph 0068 refers to Figure 9 and states that the rack is raised or lowered as indicated by the arrow, which provides support for movement along an axis, but does not positively exclude the rack moving

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along another axis. As illustrated in Figure 7, the rack contains two columns of trays and it is conceivable for the rack to be moved vertically to a predetermined height and then horizontally to line the column with the tray to the tray drawer device. One skilled in the art would not have reasonably understood applicant to have possession of the rack moving entirely along a single axis at the time the application was filed.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, and 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 04-239604 in view of JP 10-321457 and Baccini (U.S. Patent 6,109,323).

JP 04-239604 is directed to an apparatus for manufacturing laminated ceramic electronic components wherein the laminated ceramic components are formed by laminating a plurality of different ceramic green sheets. The apparatus comprises a sheet supplier comprising a plurality of trays, each tray holding a plurality of ceramic green sheets of the same type and each tray holding a different type of ceramic green sheet from other trays; a laminator for laminating a plurality of ceramic green sheets supplied from the sheet supplier; and a conveyor device for picking up single ceramic green sheets from the trays and conveying the ceramic green sheets to the laminator in a predetermined order (See English abstract and Figures 1 and 4).

JP 04-239604 is silent towards having a vertical rack for aligning the trays and a tray drawer device for drawing the trays from the vertical rack. However, it is well known and conventional in the ceramic art to store ceramic green sheets in a vertical magazine rack and remove single ceramic green sheets from the slots of the magazine in a predetermined order and convey them to a lamination station, as shown for example in JP 10-321457 (See Figure 5 and paragraph 0014 of English translation). One skilled in the art would have readily appreciated that the trays of JP 04-239604 need to be stored somewhere and that it would be practical to have a vertical rack for storing and aligning the trays as is conventional in the art and consequently a tray drawer device for drawing the tray from the rack so the conveyor device can pick up the ceramic green sheets. It is noted that the tray drawing device (35) of JP 10-321457 is situated on a rail to guide the tray drawing device (See Figure 5 and English translation paragraph 0015). Furthermore, it is notoriously well known and conventional in the tray drawing art for tray drawing devices to be arranged on a guide rail and JP 1-321457 is an example of such. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a vertical rack for aligning and storing the trays and a tray drawer device, arranged on a guide rail, for drawing the trays from the rack so the conveyor device can pick up the individual ceramic green sheets in the apparatus of JP 04-239604, as suggested in JP 10-321457.

JP 04-239604 teaches laminating the ceramic green sheets in a prescribed sequence but is silent towards there being a processor unit adapted to receive data concerning at least a type, an order in lamination, and a quantity of ceramic green

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sheets necessary for a laminate. However, it is well known and conventional to have fully automated systems for laminating ceramic green sheets in a predetermined order, as shown for example in Baccini (Column 2, lines 31-34). Baccini teaches having storage codes or identification plaques on the pallets (trays) for cooperating with code readers in providing correct organization from the automated system (Column 2, lines 60-64). One skilled in the art would have readily appreciated the code readers of the automated system are linked to a processor unit adapted for receiving pertinent information such as the quantity, type, and order of the ceramic green sheets in order for the automated system to stack the ceramic green sheets in the correct order. It would have been obvious to have an automated system with a processor unit adapted to receive data concerning at least a type, an order in lamination, and a quantity of ceramic green sheets necessary for a laminate, as is well known and conventional, in the apparatus of JP 04-239604, as suggested in Baccini.

One skilled in the art would have readily appreciated that either the tray drawing device needs to be movable to remove each tray from the magazine or the vertical rack must be movable to position each tray adjacent the withdrawal slider means. The two options are alternative expedients and are obvious one over the other in the absence of unexpected results. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a drive for driving the vertical rack to be raised and lowered in a vertical direction to position the trays at a predetermined height for removal by the tray drawing device in the apparatus of JP 04-239604.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a vertical rack for aligning and storing the trays and a tray drawer device for drawing the trays from the rack so the conveyor device can pick up the individual ceramic green sheets in the apparatus of JP 04-239604, as suggested in JP 10-321457; to have an automated system with a processor unit adapted to receive data concerning at least a type, an order in lamination, and a quantity of ceramic green sheets necessary for a laminate, as is well known and conventional, in the apparatus of JP 04-239604, as suggested in Baccini; and to include a drive for driving the vertical rack to be raised and lowered in a vertical direction to position the trays at a predetermined height for removal by the tray drawing device in the apparatus of JP 04-239604.

Regarding claim 3, JP 04-239604 teaches stacking ceramic green sheets of the same type in the trays and removing the top ceramic green sheet with a chucking device (See English abstract and Figure 1).

Regarding claim 5, JP 04-239604 teaches having a separate tray for each type of ceramic green sheet.

Regarding claim 6, JP 04-239604 teaches having a plurality of ceramic green sheets in each tray.

Regarding claims 7-9, one skilled in the art would have readily appreciated that the movement of the rack would depend upon the configuration of the rack. One skilled in the art would have readily appreciated that racks with a single column of slots for trays such as the one taught in Baccini would only need to be moved along the vertical

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axis. Additionally in racks with more than one column such as in JP 10-321457, one skilled in the art would have readily appreciated that there exists numerous ways of aligning the trays with the tray drawer device including moving the rack along the vertical axis and the tray drawer device along the horizontal axis. It would have been within the purview of one skilled in the art to determine the most efficient configuration of the rack and movement of the rack to align the trays with the tray drawer device.

Response to Arguments

6. It is noted that the acquiescence to the assertion that moving the drawing device relative to the rack and moving the rack relative to the drawing device are alternate expedients obvious over one another is maintained.

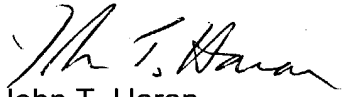
Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John T. Haran** whose telephone number is **(571) 272-1217**. The examiner can normally be reached on M-Th (8 - 5) and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John T. Haran
Examiner
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